

## NEW LAW STRENGTHENS LOCAL LAND USE AUTHORITY

By Sarah Christie

On October 13, 2001, Governor Davis signed SB 497, an important amendment to the Subdivision Map Act (SMA). Authored by Senator Byron Sher (D-Palo Alto) and supported by California State Association of Counties, League of Cities and the American Planning Association, as well as dozens of environmental organizations, this new law gives local governments additional control over the re-configuration and build-out of antiquated subdivisions.

In 1976, the SMA was amended to exempt lot line adjustments between neighboring property owners from the formal subdivision process. The intent was to allow adjacent property owners to make minor boundary adjustments between their parcels, primarily to remedy structural encroachments. But because the law was written to exempt lot line adjustments between "two or more parcels," the statute has been interpreted to apply to an unlimited number of boundary adjustments, routinely resulting in the substantial

reconfiguration of multiple parcels.

SB 497 was introduced in response to these increasingly common "magic subdivisions." The practice of using the lot line adjustment exemption avoids SMA requirements for public notice, environmental review and general plan conformity. Until now, local governments have had no ability to collect impact fees normally assessed against these new subdivisions, require offsite traffic improvements, or assure that the new lots

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## Following the California Coastal Trail

By Jamie Schmidt

This year's legislative session included two important actions that will significantly promote public shoreline access in California. Assembly Concurrent Resolution 20 (Pavley) declares the California Coastal Trail an official State trail, and Senate Bill 908 (Chesbro and Karnette) directs the preparation of a State plan to

complete the Coastal Trail. SB 908, signed by Governor Davis in October, mandates

completion of a coastline trail plan in a manner that protects coastal resources and respects private property rights.

The California Coastal Trail, which, upon completion, will span the entire length of the state, will provide an open-



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# Navigational Safety:

## *How Your Agency Can Help Prevent Accidents and Damage to Natural Resources*

By Lilli Ferguson

Numerous types of development—both on land and in the ocean—can potentially affect safe navigation. The construction and removal of developments may affect navigation by changing access to waterways, altering landmarks, and causing nautical chart information to become outdated.

The National Oceanic and Atmospheric Administration (NOAA), the federal agency responsible for creating and issuing U.S. nautical charts, does not always have current information about projects that could affect the information shown on the charts. A chart that depicts inaccurate conditions may cause a mariner to take a wrong heading, take quick evasive action to avoid a structure, or result in an accident that could cause environmental damage and injury or loss of life. The best way to avoid such scenarios is to keep navigational information as current as

possible. Oftentimes, through its permitting processes, a local agency may have knowledge about a project that could help NOAA keep its navigational publications updated.

A few of the project types depicted on nautical charts include: piers, breakwaters, boat ramps, bridges and other features that can restrict vessel clearance, shoreline radio towers, dredged areas, terminals, artificial islands, ferry landings,



Photo: B. Van Beckum

submerged pipelines, aquaculture pens, channel markers, navigational lights, and marinas. The level of detail depicted on a given chart is determined by its scale—a large scale chart is more detailed and covers a

relatively small portion of coastline and ocean, while a small scale chart is less detailed and covers larger area of coast and ocean.

Local agencies and port authorities can help improve navigational safety by asking developers to notify the appropriate NOAA office about the nature and location of completed projects. A local government might do this by providing advice to developers during the permit application stage, or by including a notification condition in permits that are issued.

To learn more about how you might develop a mechanism for notifying NOAA about relevant developments, the scale of the nautical chart in your area, or people to talk to in NOAA, please contact:

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Energy and Ocean Resources  
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# Focus on Enforcement

## *Enforcement Unit Gets Nine New Positions*

By Jo Ginsberg

In July 2000, the Commission's statewide enforcement unit, long under-staffed, received funding for nine new permanent positions to strengthen the Commission's enforcement effort and reduce the existing backlog of cases. Eight of these positions are for new officers. One position, held by deputy chief counsel Amy Roach, is for a full-time staff counsel position to manage the statewide program.

In 1981, the Commission's legal division established a statewide coastal development permit (CDP) enforcement program to address unpermitted development and development undertaken inconsistent with the terms and conditions of previously issued coastal permits. A full-time program coordinator was assigned to the program in 1985, along with several part-time district officers and a part-time staff counsel. However, due to lack of funding and available staff, the program languished through the 1980's, and it wasn't until 1991 that more positions were added to the budget by former Governor Wilson.

The legislature has strengthened the enforcement provisions of the Coastal Act during the past decade by giving the Commission the power to issue cease and desist and restoration orders, and has increased the Act's penalty provisions significantly, reflecting the rise in land values and creating a disincentive to would-be violators of permit requirements. Cease and desist orders are used by the Commission to halt ongoing violations and to force developers to comply with the permit process; restoration orders are used to bring about the removal of

unpermitted development and/or restoration of damaged coastal resources. Cease and desist and restoration orders are perhaps the most important enforcement tools available to the Commission. These orders are quasi-adjudicative matters before the Commission, and have been quite effective in deterring and stopping illegal development activities in the coastal zone.

Between 1996 and 1999, the Commission's open violation caseload increased by 96%, creating a critical need for additional staff. Last year's expansion brought the number of permanent enforcement staff up from five to 14. The new enforcement staff includes six district

### **District Enforcement Officers**

San Diego Coast District  
Marsha Venegas — (619) 767-2370

South Coast District  
Grace Noh — (562) 590-5071

South Central Coast District  
Tom Sinclair — (805) 585-1800

Central Coast District  
Sharif Traylor — (831) 427-4863

North Central Coast District  
Jo Ginsberg — (415) 904-5269

North Coast District  
(Vacant) — Contact Nancy Cave  
(415) 904-5290

### **Northern California Enforcement Supervisor**

Nancy Cave — (415) 904-5290

### **Southern California Enforcement Supervisor**

Steve Hudson — (805) 585-1800

### **Headquarters (San Francisco) Enforcement Officers**

Chris Darnell — (415) 904-5294

Abe Doherty — (415) 904-5297

Jeff Melby — (415) 904-5220

Sheila Ryan — (415) 904-5272

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conformed to general plan standards. By sidestepping the tentative map process, these non-conforming subdivisions have been contributing to urban sprawl, and accelerating the loss of agricultural land and wildlife habitat. While the Coastal Commission has always had the ability to review lot line adjustments in the coastal zone, this practice has been problematic statewide. The Commission voted to support SB 497 to support local government's implementation of LCP and general plan policies.

After January 1, 2002, projects involving lot line adjustments of five or more parcels will be required to file a tentative map. All the reconfigured parcels must be consistent with applicable general plan and coastal plan policies, the developer will be subject to all applicable fees, and the public will receive adequate notice. Lot line adjustments between four or fewer parcels will continue to be exempt. This will give local governments the ability to prevent build-out of antiquated subdivisions in places where development is not appropriate.

SB 497 also clarifies that where certificates of compliance are warranted for illegally created parcels, local governments may only issue conditional certificates of compliance. In the past, local agencies had the discretion to issue either unconditional or conditional certificates for such parcels. Conditional certificates require property owners to meet certain conditions prior to building on a parcel, such as meeting a minimum parcel size. Conditional certificates also carry more stringent public notice requirements in some jurisdictions and issuance is subject to CEQA, as the conditions themselves are discretionary. This may help to limit the practice of inflating appraised real estate values for land trusts and public agencies that wish to acquire lands for conservation purposes.

SB 497 puts the jurisdiction over re-subdivisions of antiquated parcels back where it belongs, under the purview of local governments.

## **Focus on Enforcement**

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enforcement officers, who strive to resolve violations without formal administrative action, and four headquarters enforcement officers, who prepare cease and desist orders and restoration orders. The officers are tackling the existing backlog of open cases as well as responding to new violations. In addition, the officers work with local governments, attending local task force meetings and coordinating strategies on cases that span permit jurisdictions.

The mission of the Commission's enforcement program is to protect coastal resources by assuring that development is properly permitted, and that all terms and conditions of coastal development permits are satisfied. To achieve this mission, the enforcement program seeks to respond quickly and effectively to significant violations of the Coastal Act's permit requirements; to obtain timely restoration of coastal resources that have been damaged by violations; to reduce the incidence of significant Coastal Act violations through effective deterrence; and to establish a systematic inspection program. Expansion of the program has enabled the Commission to work toward these enforcement goals in a comprehensive fashion.



## Following the California Coastal Trail

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ended invitation for residents and visitors of California to enjoy our coastal region. The development of a continuous trail along the California Coast has a long history of support, beginning with the 1970s movement that started the preservation of our Coast by the passage of Proposition 20, the "Save the Coast" Initiative. Since then, much work has been done to identify and construct portions of the California Coastal Trail.

In preparing the plan for development of the Coastal Trail, the State Coastal Conservancy will consult and coordinate with the California Coastal Commission and the California Department of Parks and Recreation, and will consult with numerous other local, state and federal agencies and interested groups. The Coastal Conservancy has also awarded a grant to Coastwalk, a nonprofit organization active in promoting the Coastal Trail, to assist in preparation of the plan by the mandated deadline of January 2003.



Photo: Coastal Commission Archives

An important element in preparing the California Coastal Trail plan will be an outreach effort to local governments, local land trusts, advocacy groups, and private landowners. Over the next six months, a collaborative effort will be undertaken to identify existing segments of the Coastal Trail and feasible opportunities to close gaps in the Trail. The support and knowledge of groups throughout the Coastal Zone will be instrumental in the completion the Coastal Trail.

In the near future, staff members of the Coastal Commission and the Coastal Conservancy will be contacting local governments to arrange meetings to discuss the many aspects of the coastal trail. Other interested parties should contact Linda Locklin ([llocklin@coastal.ca.gov](mailto:llocklin@coastal.ca.gov)) at the Coastal Commission to share your experience and expertise in regards to hiking, public access advocacy, and trail building along the Coast and adjacent inland areas. A coordinated effort among governments, land trusts, advocates, and landowners will help transform the vision of the California Coastal Trail into reality.

## Commission Calendar

Upcoming meetings of the  
California Coastal Commission

December 11–14, 2001  
Hyatt Regency San Francisco  
5 Embarcadero Center  
San Francisco, CA 94105  
(415) 788-1234

January 7–11, 2002  
Westin Hotel-LAX  
5400 West Century Blvd.  
Los Angeles, CA 90045  
(310) 216-5858

Agendas and selected staff  
reports are available one to two  
weeks before each meeting on  
the main page of the Coastal  
Commission's web site,  
[www.coastal.ca.gov](http://www.coastal.ca.gov).

Don't forget to



[www.flexyourpower.ca.gov](http://www.flexyourpower.ca.gov)



Photo: Beth Trauth

The Coastal Commission  
is a proud co-sponsor of:



[www.asce.org/conferences/cd2002](http://www.asce.org/conferences/cd2002)

## Coastal Services Center Broad Area Announcement

The NOAA Coastal Services Center announces the availability of federal assistance for Fiscal Year 2002 in the following program areas: Landscape Characterization and Restoration (LCR), Integration and Development (I&D), Outreach, Coastal Remote Sensing (CRS), and the Director's Office (DO). An announcement was published on Monday October 15 in the Federal Register (Volume 66, Number 199). This announcement provides guidelines for these program areas and includes details for the technical program, evaluation criteria, and selection procedures of each program. Selected recipients will enter into either a cooperative agreement with the Coastal Services Center or receive a grant depending upon the amount of the Center's involvement in the project. All proposals are due January 11, 2002. To view the complete announcement, click on [www.csc.noaa.gov/cms/baa.html](http://www.csc.noaa.gov/cms/baa.html).

*CALIFORNIA COASTAL CURRENTS* is published periodically by the Local Assistance Program of the California Coastal Commission. To submit comments or questions about the newsletter or the Local Assistance Program, contact Susan Swift at [currents@coastal.ca.gov](mailto:currents@coastal.ca.gov) or 415.904.5253.

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General inquiries about the Coastal Commission may be directed to the Headquarters Office in San Francisco at 415.904.5200. Send written correspondence to 45 Fremont Street, Suite 2000, San Francisco, California 94105.